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## Schedules



### THE 460 ACT OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED

**The Local Government Act, 1993** An Act to establish and regulate the local government system in accordance with the Constitution and to provide for other connected purposes. Date Of Assent: 24th December, 1993, Be It Enacted By Parliament as follows—

#### PART I—Districts And District Assemblies

1. The existing districts before the creation of the districts force of the 1992 Constitution shall continue as districts for the purposes of this Act.
2. The President may by executive instrument
3. Declare any area within Ghana to be a district
4. Assign a name to the district
5. The President shall in the exercise of his powers under sub-section
6. Direct the Electoral Commission to make such recommendations as it considers appropriate for the purpose
7. The Electoral Commission shall before making recommendations to the President under sub-section (3) consider factors including
8. In the case of
9. A district that there is a minimum population of seventy-five thousand people
10. A municipality, that the geographical area consists of a single compact settlement and that there shall be a minimum of ninety-five thousand people
11. A metropolis, that there is a minimum of two hundred and fifty thousand people; and
12. The geographical continuity and economic viability of the area
13. In this section "economic viability" means the ability of an area to provide the basic infrastructural and other developmental needs from the monetary and other resources generated in the area.
14. The Electoral Commission shall at the request of the President review areas of authority of unit committees, town, area, zonal, urban and sub-metropolitan district councils and district, municipal and metropolitan assemblies and make such recommendations as it considers appropriate to the President
15. The Minister shall by legislative instrument establish an Assembly for each district, municipality and metropolis and the Assembly shall constitute the highest political authority in the district. **(2)** The instrument establishing a District Assembly, shall specify
16. The name of the Assembly and the area of authority of the Assembly; **(b)** the number of persons to be elected to the Assembly and the number of persons to be appointed to the Assembly by the President; **(c)** the jurisdiction, functions, powers and responsibilities of the Assembly; **(d)** the place where the principal offices of the Assembly are to be situated; and **(e)** such other matters as are required by this Act to be included in the instrument or are consequential or ancillary to it. **(3)** The Minister may by legislative instrument and with the prior approval of the Cabinet establish—
  - Sub-Metropolitan District Councils
  - Urban or Zonal Councils
  - Town or Area Councils; and
  - Unit Committees, within the area of authority of the District Assembly

**(4)** The instrument referred to in subsection (3) of this section shall specify— **(a)** the jurisdiction, membership, functions, powers and responsibilities of the Sub-Metropolitan District Council, Urban or Zonal Council, Town or Area Council or Unit Committee; and

**(b)** such other matters connected with the Sub-Metropolitan District Council, Urban or Zonal Council, Town or Area Council or Unit Committee as may be considered necessary.

1. Each District Assembly shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its own name. **(2)** A District Assembly shall have power for the discharge of any of its functions to acquire

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- and hold movable or immovable property, to dispose of such property and to enter into any contract or other transaction.
2. A District Assembly shall consist of the following members **(a)** the District Chief Executive; **(b)** one person from each electoral area within the District elected by universal adult suffrage in accordance with resolutions made for the purpose by the Electoral Commission; **(c)** the member or members of Parliament from the constituencies that fall within the area of authority of the District Assembly, except that such member or members shall have no voting rights; and **(d)** other persons not exceeding 30 per cent of the total membership of the Assembly appointed by the President in consultation with the traditional authorities and other interest groups in the district.
  3. The members appointed under paragraph (d) of subsection (1) of this section may be re-appointed.
  4. Elections to the District Assemblies shall be held once every four years except that such elections and elections to Parliament shall be held at least six months apart.
  5. A District Assembly may conduct its business in English and in any Ghanaian Language common to the communities in the District. (5) The emoluments of the members of the District Assembly shall unless otherwise be provided in this Act, be determined by the District Assembly and shall be paid out of the resources of the Assembly.
  6. A person qualifies to be elected or appointed to a District Assembly if he — **(a)** is a citizen of Ghana of not less than 18 years of age; **(b)** is a registered voter; **(c)** is ordinarily resident in the District in which he seeks election; and **(d)** has paid all his taxes and rates or made arrangements satisfactory to the appropriate authority for the payment of his taxes and rates.
  7. For the purposes of paragraph (c) of subsection (1) of this section, a person shall be deemed to be ordinarily resident in a district if within the four years prior to the holding of the election or his appointment to the District Assembly, he has lived in the district for an aggregate period of not less than twelve months.
  8. A person shall not qualify to be elected or appointed to a District Assembly if he— **(a)** is of unsound mind; **(b)** has been sentenced to death or imprisonment for an offence involving fraud, dishonesty or violence or has been convicted of an offence relating to or connected with elections under any enactment in force in Ghana at the time; **(c)** is a person against whom adverse findings have been made by a competent authority and accepted by Government or in respect of whom an offer of reparation has been made and accepted by the Government; **(d)** being a professional person, he is disqualified from practising his profession on grounds of malpractice, fraud or dishonesty by the competent professional body; or **(e)** is a person exempted from payment of basic rate under paragraph (a) of subsection (2) of section 99 of this Act. (4) Subsections (1) (e) and (2) of this section shall not apply to the District Chief Executive.
  9. Subject to subsection (3) of this section, no person shall be disqualified from being elected or appointed to a District Assembly by reason only of his status, position, profession, religion, creed, ethnic origin, race, occupation, traditional standing, gender or physical disability.
  10. Notwithstanding paragraph (b) or (c) of subsection (3) of this section, a person shall qualify to be elected or appointed to a District Assembly if ten years have elapsed since the end of the sentence or the acceptance of the adverse findings, the offer of reparation or if he has been pardoned. (7) No person shall at any one time be a member of more than one District Assembly.
  11. **(1)** A candidate seeking election to a District Assembly or to any lower local government unit shall present himself to the electorate as an individual, and shall not use any symbol associated with a political party. **(2)** A political party shall not endorse, sponsor, offer a platform to or in any way campaign for or against a candidate seeking election to a District Assembly or any lower local government unit. **(3)** A candidate who contravenes subsection (1) of this section commits an offence and on conviction shall have his nomination cancelled by the Electoral Commission. (4) A political party which contravenes subsection (2) of this section commits an offence and is liable on conviction to a fine not exceeding five million cedis.
  12. (1) Subject to subsection (2) of this section, a person shall cease to be a member of a District Assembly — **(a)** upon his death; **(b)** upon revocation of his original mandate but he shall be disqualified from standing as a candidate for only two terms immediately following the revocation; **(c)** if by writing addressed to the Presiding Member of the District Assembly he resigns as a member; **(d)** if he becomes disqualified under any of the circumstances specified in subsection (3) of section 6 of this Act; **(e)** if he fails to disclose any financial interest he may have in a contract which is before the Assembly for consideration; or **(f)** if he absents himself from more than three consecutive ordinary meetings of the Assembly without the written permission of the Presiding Member of the Assembly.
  13. The Assembly shall, upon a complaint made to it that a member of the Assembly is disqualified under sub-paragraphs (d), (e) or (f) of subsection (1) of this section, appoint an ad-hoc sub-committee to investigate the complaint.
  14. The ad-hoc sub-committee shall consist of such members of the Assembly as it may determine.
  15. The ad-hoc sub-committee shall submit a report on its finding to the Assembly.
  16. Where the Assembly, after studying the report is satisfied that a member is affected by sub-paragraphs (d), (e) or (f) it shall by resolution decide that the member shall cease to be a member of the Assembly.
  17. A member of the Assembly who is aggrieved by a decision of the Assembly that he should cease to be a member of that Assembly may have recourse to a court of law.

18. (1) Subject to this section, the mandate of an elected member of a District Assembly may be revoked by the electorate. (2) For the purpose of revoking the mandate of an elected member of a District Assembly, twenty-five per cent or more of the registered voters in the electoral area may petition the Electoral Commission for the member's recall from the Assembly.
19. On receipt of the petition referred to in subsection (2) of this section, the Electoral Commission shall organise a referendum to decide the issue whether or not such member must be re-called.
20. The issue at the referendum shall be decided if at least— **(a)** forty per cent of the registered voters in the electoral area vote on the issue; and **(b)** 60 per cent of the votes cast are in favour of the re-call of the member.
21. Where an elected member of a District Assembly is re-called, a by-election shall be held to elect another person to replace him; except that where the recall is done within six months before the end of the tenure of office of the elected member, no by-election shall be held.
22. The appointment of an appointed member of a District Assembly may be revoked by the President—**(a)** in the exercise of his discretion; **(b)** upon the recommendation of three-fourths of the members of the District Assembly on grounds that the member has—
23. Systematically neglected his duties; or (ii) committed acts incompatible with his office as a member of the District Assembly for which sufficient evidence is available, or (c) upon a complaint made of wrongs doing or improper conduct which is established to be true after investigation by an ad-hoc committee of the District Assembly.
24. Where the appointment of a member of a District Assembly is revoked, another person may be appointed in his place.
25. Where a person is appointed under subsection (7) of this section he shall serve the remainder of the term of the member whose appointment has been revoked, and may be re-appointed.
26. (1) Subject to this Act, a District Assembly shall exercise political and administrative authority in the District, provide guidance, give direction to, and supervise all other administrative authorities in the district. (2) For the purpose of subsection (1) of this section, a District Assembly shall exercise deliberative, legislative and executive functions. (3) Without prejudice to subsections (1) and (2) of this section a District Assembly shall—**(a)** be responsible for the overall development of the district shall ensure the preparation and submission through the Regional Co-ordinating Council—
27. Of development plans of the district to the Commission for approval; and
28. Of the budget of the district related to the approved plans to the Minister for Finance for approval; **(b)** formulate and execute plans, programmes and strategies for the effective mobilization of the resources necessary for the overall development of the district; **(c)** promote and support productive activity and social development in the district and remove any obstacles to initiative and development; **(d)** initiate programmes for the development of basic infrastructure and provide municipal works and services in the district; **(e)** be responsible for the development, improvement and management of human settlements and the environment in the district; **(f)** in co-operation with the appropriate national and local security agencies be responsible for the maintenance of security and public safety in the district; **(g)** ensure ready access to courts in the district for the promotion of justice; **(h)** initiate, sponsor or carry out such studies as may be necessary for the discharge of any of the functions conferred by this Act or any other enactment; and **(i)** perform such other functions as may be provided under any other enactment.
29. Subject to this Act and to Government policy it shall be the responsibility of a District Assembly to take such steps and measures as are necessary and expedient to— **(a)** execute approved development plans for the district; **(b)** guide, encourage and support sub-district local government bodies, public agencies and local communities to perform their roles in the execution of approved development plans; **(c)** initiate and encourage joint participation with other persons or bodies to execute approved development plans; **(d)** promote or encourage other persons or bodies to undertake projects under approved development plans; and **(e)** monitor the execution of projects under approved development plans and assess and evaluate their impact on the people's development, the local, district and national economy.
30. A District Assembly shall co-ordinate, integrate and harmonize the execution of programmes and projects under approved development plans for the district and other development programmes promoted or carried out by ministries, departments, public corporations and other statutory bodies and non-governmental organisations in the district.
31. Without prejudice to subsection (5) of this section, a District Assembly shall in the discharge of its functions— **(a)** be subject to the general guidance and direction of the President on matters of national policy; and **(b)** act in co-operation with the appropriate public corporation, statutory body or non-governmental organisation. (7) It shall be the duty of such public corporation, statutory body or organisation to co-operate with a District Assembly. (8) In the event of a conflict between a District Assembly and an agency of the central Government, public corporation, statutory body, non-governmental organisation or individual over the application of subsection (5) or (6) of this section, the matter shall be referred by either of the parties or both to the Regional Co-ordinating Council for resolution.
32. Subject to section 10 (3) (a) of this Act, a District Assembly shall be responsible for the preparation and approval of its annual budget.
33. (1) District Assemblies as planning authorities shall perform planning functions assigned to them under any enactment for the time being in force. (2) The instrument establishing a particular District Assembly may confer additional functions upon the Assembly and may provide for the relationship between that Assembly and the Regional Coordinating Council.
34. (1) A District Assembly shall within its district be the authority for carrying and executing the provisions of— **(a)** Registration of Births and Deaths Act,

- 1965 (Act 301); **(b)** The Auction Sales Law, 1989 (RN.D.C.L. 230); **(c)** Sections 296 and 300 of the Criminal Code, 1960 (Act 29); **(d)** The Liquor Licensing Act, 1970 (Act 331); **(e)** Control and Prevention of Bushfires Law, 1990 (RN.D.C.L. 229); **(f)** National Weekly Lotto (Amendment) Law, 1989 (RN.D.C.L. 223); and **(g)** Trees and Timber (Chain Saw Operators) Regulations, 1991 (L.I. 1518). (2) For the purposes of subsection (1) of this section, the District Assembly shall have, within the district, all the powers, rights, duties, capacities, liabilities and obligations of a person or authority mentioned in the enactment except the powers of a court or the Commissioner for Customs, Excise and Preventive Service.
35. For the purpose of section 296 of the Criminal Code, 1960 (Act) as applied by this section, the reference to the Engineer-in-Chief of Public Works shall include an Engineer appointed in writing by the District Assembly. (4) For the purpose of section 300 of the Criminal Code, 1960 (Act 29) as applied by this section, the District Finance Officer or other similar officer of the Assembly howsoever called shall be deemed to be the Controller and Accountant-General or his representative. (5) For the purposes of the Liquor Licensing Act, 1970 (Act 331) as applied by this section, the District Finance Officer or such other officer of the Assembly shall be the Licensing Authority.
36. Nothing contained in this section shall operate to derogate from the statutory or other functions of the police, whether exercisable under the enactments mentioned in this section or otherwise and accordingly, any person or authority exercising any function by virtue of this section being a function which by virtue of this subsection or any other enactment is also exercisable by the police shall in the exercise of that function act in consultation with the police.
37. Any person who discharges the duties of a Medical Officer or Sanitary Inspector under the Infectious Diseases Ordinance (Cap 78) for any area shall be an officer of the Assembly of that area for the purpose of giving effect to and enforcing bye-laws relating to public health made by the District Assembly.
38. (1) Subject to this Act, a District Assembly may as appropriate, delegate any of its functions to such sub-Metropolitan District Council, Town, Area, Zonal or Urban Council or Unit Committee or such other body or person as it may determine. (2) Nothing in subsection (1) of this section permits the delegation to any Sub-Metropolitan District Council, Town, Area, Zonal or Urban Council, Unit Committee, body or person the power of a District Assembly to legislate, levy rates or borrow money.
39. (1) A member of a District Assembly shall as appropriate— **(a)** maintain close contact with his electoral area, consult his people on issues to be discussed in the District Assembly and collate their views, opinions, and proposals; **(b)** present the views, opinions and proposals to the District Assembly; **(c)** attend meetings of the District Assembly and meetings of sub-committees of which he is a member; **(d)** meet his electorate before each meeting of the Assembly; **(e)** report to his electorate the general decisions of the Assembly and its Executive Committee and the actions he has taken to solve problems raised by residents in his electoral area; **(f)** draw attention in general debate to national policies which are relevant to the subject under discussion; **(g)** actively participate in the work of the sub-committees of the Executive Committee; **(h)** bring to bear on any discussion in the Assembly the benefit of his skill, profession, experience or specialized knowledge; **(i)** maintain frequent liaison with organised productive economic groupings and other persons in the District; and **(j)** take part in communal and development activities in the district. (2) A member of a District Assembly shall in the discharge of his duties under this Act have due regard to the national interest and the interest of the people in the district.
40. (1) There shall be a Presiding Member of each District Assembly who shall be elected by the Assembly from among its members. (2) The Presiding Member shall be neither the District Chief Executive nor a member of Parliament. (3) The Presiding Member shall be elected by at least two-thirds majority of all the members of the Assembly. (4) Subject to subsection (6), the Presiding Member shall hold office for a term of two years and shall be eligible for re-election. (5) The Presiding Member shall convene and preside over the meetings of the Assembly and perform such other functions as may be prescribed by law. (6) The Presiding Member shall cease to hold office whenever the Assembly by a majority of at least two-thirds of all the members of the Assembly vote to remove him from office. (7) The emoluments of a Presiding Member of a District Assembly shall be determined by the District Assembly and paid out of the Assembly's own resources.
41. (1) A District Assembly shall meet at least three times in a year. (2) Matters for decision by the Assembly shall be determined by the votes of the majority. (3) In the event of equality of votes the Presiding Member shall have a casting vote. (4) The validity of proceedings of a District Assembly shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member. (5) A District Assembly may at any time summon any public officer in the district to attend any of its meetings to provide any information or assistance as the Assembly may require. (6) The Minister shall make model standing orders for the conduct and proceedings of District Assemblies.
42. (1) There shall be established an Executive Committee of a District Assembly which shall be responsible for the performance of the executive and administrative functions of the District Assembly.
43. An Executive Committee shall consist of not more than one-third of the total number of the members of the Assembly elected by the members from among themselves; except that the Presiding Member of the Assembly shall not be a member of the Executive Committee.
44. (1) There shall be District Chief Executive for each district who shall be appointed by the President with the prior approval of not less than two-thirds majority of the members of the District Assembly present and voting at the

- meeting. (2) The District Chief Executive shall be the chairman of the Executive Committee of the District Assembly. (3) The District Chief Executive shall— **(a)** preside at meetings of the Executive Committee of the District Assembly and in his absence a member of the Executive Committee elected by the members present from among themselves shall preside; **(b)** be responsible for the day-to-day performance of the executive and administrative functions of the Assembly; **(c)** be responsible for the supervision of the departments of the Assembly; and **(d)** be the chief representative of the central Government in the district.
45. The office of the District Chief Executive shall become vacant if— **(a)** a vote of no confidence, supported by the votes of not less than two-thirds of all the members of the District Assembly, is passed against him, or **(b)** he is removed from office by the President; or **(c)** he resigns or dies.
46. Subject to subsection (4) of this section, the term of office of a District Chief Executive shall be four years. (6) A person shall not hold office as a District Chief Executive for more than two terms in succession. (7) The emoluments of a District Chief Executive shall be charged on the Consolidated Fund and shall be determined by a committee under article 71 of the Constitution.
47. (1) Subject to this Act, the Executive Committee of a District Assembly shall exercise the executive and co-ordinating functions of the District Assembly. (2) Without prejudice to subsection (1) of this section, an Executive Committee shall— **(a)** co-ordinate plans and programmes of the sub-committees and submit these as comprehensive plans of action to the District Assembly; **(b)** implement resolutions of the District Assembly; **(c)** oversee the administration of the district in collaboration with the office of the District Chief Executive; **(d)** recommend, where it considers necessary, in the case of departments outside the supervision of the Assembly which are in the district, to appropriate government Ministry, Department or Agency the appointment and replacement on stated grounds of officers within the area of authority of the District Assembly; **(e)** develop and execute approved plans of the units, area and towns and sub-metropolitan districts as the case may be, within the area of authority of the District Assembly; **(f)** recommend to the District Assembly— (i) the economic social, spatial and human settlement policies relating to the development of the district; (ii) harmonization of the development policies of the district with national development policies; (iii) the integration and co-ordination of the processes of planning, programming, budgeting and implementation; (iv) initiation and implementation of development programmes and projects at the district level; and (v) the monitoring and evaluation of all policies, programmes and projects.
48. An Executive Committee shall in between sessions of a District Assembly carry out the functions of the District Assembly other than the Assembly's legislative functions.
49. (1) An Executive Committee may co-opt any person to attend any of its meetings, but a person so co-opted shall not have a right to vote. (2) An Executive Committee may conduct its business in English and in any Ghanaian Language common to the communities in the district. (3) The validity of the proceedings of the Executive Committee shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member. (4) Subject to the provisions of this section, an Executive Committee shall regulate the procedures for its meetings in accordance with the standing orders of the Assembly.
50. (1) Where a District Assembly is satisfied that an Executive Committee is not performing efficiently the functions assigned to it under this Act, the Assembly may by resolution of two-thirds of the members dissolve the Executive Committee and elect another.
51. For the purposes of subsection (1) of this section, an Executive Committee shall be deemed not to have performed its functions efficiently if its actions or omissions— (a) bring or are likely to bring the District Assembly into disrepute, ridicule, hatred or contempt; or (b) are prejudicial or inimical to the economic, social or political development of the District or to the national interest. (3) The dissolution of an Executive Committee of an Assembly shall not operate as a revocation of the appointment of the District Chief Executive.
52. (1) Each Executive Committee shall have the following sub-committees—
- Development Planning Sub-Committee
  - Social Services Sub-Committee
  - Works Sub-Committee
  - Justice and Security Sub-Committee
  - Finance and Administration Sub-Committee; and
  - Such other sub-committees as the District Assembly may determine
1. Each sub-committee shall consist of such members of the District Assembly as shall be determined by the Assembly, except that each member of the District Assembly other than the Presiding Member shall serve on at least one sub-committee during that member's tenure of office. (3) Heads of Departments of the District Assembly shall attend the meetings of the sub-committees and shall advise them on the execution of their functions, but shall not have a right to vote. (4) A sub-committee may co-opt any other person to attend any of its meetings but a person so co-opted shall not have a right to vote. (5) A sub-committee shall regulate the procedure for its meeting in accordance with the standing orders of the Assembly. (6) A District Assembly may by resolution dissolve and reconstitute any sub-committee which in its opinion is not performing its functions efficiently.
2. (1) Every sub-committee shall be responsible for collating and deliberating on issues relevant to it as the District Assembly may direct, for the purpose of assisting the District Assembly in its deliberative, executive and legislative functions.
3. A sub-committee shall submit its recommendations to the Executive Committee of the Assembly.

4. (1) The provisions of sections 21 to 25 of this Act shall not apply to Metropolitan Assemblies. (2) Legislative instrument establishing a Metropolitan Assembly shall specify appropriate and relevant provisions of this Act applicable to it.
5. Every District Assembly shall have a Public Relations and Complaints Committee the chairman of which shall be the Presiding Member of the Assembly.
6. A Public Relations and Complaints Committee shall— (a) receive complaints made against the conduct of members and staff of the Assembly from the Public and make recommendations to the Assembly; and (b) perform any other functions that the Assembly may determine.
7. (1) The District Chief Executive may address the District Assembly in session on policies determined by the President.
8. The District Chief Executive shall— (a) present a report on the performance of the functions of the Executive Committee to the District Assembly at the beginning of each session; and (b) submit the recommendations of the District Assembly on matters of national concern to the President, the Minister and the Regional Co-ordinating Council at the end of each session.
9. Without prejudice to subsection (2) of section 28 of this Act, Ministers of state and other appointees of the President may address District Assembly at their own request or at the invitation of the Assembly or on the directives of the President, on matters relating to their sectors or functions.
10. (1) Notwithstanding the provisions of any enactment to the contrary, the Minister may authorise a District Assembly to provide omnibus transport services.
11. The Minister shall, before giving the authorisation, satisfy himself that the provision of the omnibus transport services will be economically viable.
12. A District Assembly may— (a) build, acquire, provide, hire and furnish buildings within its administrative area; (b) combine with any other District Assembly for the purpose of building, acquiring, providing, hiring and furnishing any building within or outside its administrative area; or (c) contribute towards the expense incurred by any other District Assembly in building, acquiring, providing, hiring and furnishing any building within or outside the administrative area, to be used for the purpose of transacting the business of the District Assembly and for public meetings and assemblies.
13. (1) A District Assembly may in agreement with any one or more District Assemblies appoint a joint committee for any project in which they are jointly interested and may delegate to the committee any functions of the District Assembly relating to the project for which the committee is appointed. (2) A joint committee appointed under this section may be authorised to co-opt additional members. (3) Nothing in subsection (1) of this section permits the delegation to any such joint committee of the power of a District Assembly to approve bye-laws, draw up annual estimates, levy rates, or borrow money. (4) Subject to this Act, a District Assembly appointing or agreeing with another Assembly in appointing a committee may make, vary or revoke any of its regulations relating to the quorum, proceedings and place of meetings. (5) Subject to any such regulations, the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine. (6) Every committee appointed under this section shall unless otherwise directed, report its proceedings to the District Assembly or Assemblies concerned through the Executive Committee and decisions of the Executive Committee shall be subject to the approval of the District Assembly or Assemblies.
14. Subject to the approval of the Minister, a District Assembly may join any other District Assembly in the carrying out of any commercial activity that falls within the scope of their respective functions and may determine as between themselves the allocation of the cost or benefits in respect of that activity.
15. Subject to such guidelines in respect of the charging of fees as may be prescribed by the Minister by legislative instrument, a District Assembly may charge fees for any service or facility provided by the Assembly or for any licence or permit issued by or on behalf of the Assembly.
16. (1) Subject to subsection (2) of this section, a District Assembly may write off as irrecoverable debt, in any one year, any sum due or payable to the District Assembly from or by any person for any sufficient cause where the sum due and payable to the Assembly does not exceed 100,000.00. (2) A District Assembly shall inform the Minister in writing of the total sum written off and the reasons for doing so.
17. (1) There shall be a District Co-ordinating Director for each District in Ghana who shall be the Secretary to the Assembly and the head of the District Co-ordinating Directorate.
18. The District Co-ordinating Director shall be a member of the Local Government Service.
19. (1) There shall be established by Act of Parliament a Local Government Service which shall form part of the public services of Ghana. (2) A District Assembly shall have such staff as may be necessary for the proper and efficient performance of its functions.
20. (1) Each District Assembly shall in the discharge of its functions establish the departments specified in the First Schedule to this Act in relation to that Assembly. (2) The Minister may with the prior approval of the President amend the First Schedule to this Act. (3) Each District Assembly shall be responsible for the preparation, administration and control of budgetary allocations of the departments specified in the First Schedule to this Act.
21. (1) Every District Assembly shall have a District Tender Board which shall advise the Assembly on the award of contracts in the District that— (a) are to be financed exclusively from the resources of the Assembly; or (b) have been approved by Government and are not in excess of such limits as shall be determined by the Minister for Finance. (2) The District Tender Board shall comprise of such persons as the Minister shall by legislative instrument determine. (3) A person appointed as a member of a District

Tender Board shall within three months after the appointment declare his assets to the Auditor-General. (4) The Minister shall by legislative instrument prescribe the procedure for the business of District Tender Boards.

22. A District Assembly may— (a) insure all or any of its property against risks of any kind; and (b) insure a third party against injury or damage resulting from any act or omission by a member of staff of the Assembly in the performance of his duties.
23. (1) A District Assembly may— (a) for a purpose reasonably connected with its functions cause the entry into any land, premises or place at a reasonable hour by a person authorised in writing by the District Chief Executive; (b) request any person in writing to furnish to it information reasonably necessary for the discharge of its functions; (c) give such directions to any person as may be reasonably necessary for the discharge of its functions.
24. A person who— (a) wilfully obstructs an officer of a District Assembly in the carrying out of the functions of the District Assembly specified in subsection (1) of this section; (b) fails without reasonable excuse (proof of which shall be on him) to furnish information requested from him under this section; or (c) gives information in response to a request made under this section which he knows to be false, or which he has no reasonable ground to believe to be true, commits an offence and shall on conviction be liable to a fine not exceeding 200,000.00 cedis or to imprisonment for a term not exceeding six months or to both, and in the case of a continuing offence to a further fine not exceeding 2,000.00 cedis for each day on which the offence continues.
25. The President may cause to be investigated the performance of any function by a District Assembly under this or any other enactment or any other matter which is likely to affect the discipline of the District Assembly and give directions as appropriate. (1) In the exercise of his powers under section 42 of this Act, the President may, where it is necessary in the public interest by executive instrument, declare a District Assembly to be in default and may by the same or another executive instrument— (a) direct the District Assembly for the purpose of removing the default, to perform such of its functions in such manner and within such time or times as may be specified in the executive instrument; or (b) transfer to a person or body as he may think fit such of the functions of the District Assembly in default as may be specified in the executive instrument to be performed on behalf of and in the name of the defaulting District Assembly. (2) Where an instrument has been made under paragraph (b) of subsection. (1) of this section, the President may by the same or another instrument, dissolve or suspend the District Assembly concerned for such time as he may think fit or prohibit it from the performance of such of the functions of the District Assembly as may be specified in the executive instrument.
26. Where any functions of a District Assembly are transferred to any person or body under section 43 of this Act, the expenses incurred by the person or body in discharging those functions shall be a debt due from the District Assembly concerned to the person or body as the case may be.
27. (1) Every District Assembly shall make such contribution to the National Association of Local Authorities of Ghana as the Association may from time to time determine. (2) The contribution made under sub-section (1) shall be in respect of any expenditure incurred by the Association in undertaking its business and the holding of its meetings.

## PART II—Planning Functions of District Assemblies

1. (1) For the purposes of national development planning, each District Assembly is by this Act established as the Planning Authority for its area of authority. (2) The District Assembly as the Planning Authority for the District shall perform any planning functions conferred on it by any enactment for the time being in force. (3) For the purpose of subsection (2) of this section shall be established for each District Assembly a District Planning Coordinating Unit. (4) A District Planning Co-ordinating Unit shall comprise such professional staff as the District Planning Authority shall in consultation with the Commission direct.
2. (1) The National Development Planning Commission shall prescribe the format of district development plans. (2) Subject to subsection (1) of this section, all proposed district development plans shall be submitted through the Regional Coordinating Council to the National Development Planning Commission for approval. (3) A District Assembly may with the prior written approval of the Commission make modifications to an approved district development plans.
3. An approved district development plan shall be complied with by any person, body or organ in the district responsible for or connected with the implementation of the plans.
4. (1) No physical development shall be carried out in a district without prior approval in the form of written permit granted by the District Planning Authority.
5. The procedure and manner for securing a permit under subsection (1) of this section shall be prescribed by regulations.
6. Subject to sub-section (4) of this section a District Planning Authority may prior to the adoption of an approved district development plan for the District approve an application for physical development in the district. (4) In determining an application for a permit to develop prior to the adoption of an approved district development plan, the District Planning Authority shall consult such public agencies and local communities as may be prescribed by regulations.
7. (1) A development charge may be levied in respect of a planning permit granted for the carrying out of physical development except that there shall be no charge in respect of a permit for the change of use of an existing building. (2) Development charges shall be utilised for the provision of infrastructure and services. (3) Development charges shall be rated by, payable to and collected by the District Planning Authority to the exclusion of

any other body, except in the case of land estates where other specific bodies take responsibility for providing infrastructure and services.

8. (1) A District Planning Authority may grant a permit for development conditionally or unconditionally or may refuse to grant the permit, except that where is refused or granted conditionally reasons shall be given in writing in each case. (2) A District Planning Authority may revoke a permit to develop or impose additional conditions to a permit already granted, except that any revocation or modification shall be subject to the payment, on receipt of a claim, of such compensation as the District Planning Authority may determine. (3) Subject to this Act, and any action, programme or project plan or unless the proposed activity obstructs or interferes with community right of space, the following activities shall not require prior permit from a District Planning Authority— **(a)** subsistence farming; **(b)** farming and other activities carried on in any settlement of a population of not more than 5,000; and **(c)** small-scale vegetable and flower gardening.
9. Nothing in this section shall preclude the members of the immediate local community from, regulating any of the activities specified in sub-section (3) of this section in their community. (5) Regulations may prescribe other activities that may be carried out without permit.
10. (1) Where— **(a)** physical development has been or is being carried out without a permit contrary to this Act; or **(b)** conditions incorporated in a permit are not complied with, a District Planning Authority may give written notice in such form as may be prescribed by regulations to the owner of the land requiring him on or before a date specified in the notice to show cause in writing addressed to the District Planning Authority why the unauthorised development should not be prohibited, altered, abated, removed or demolished.
11. If the owner of the land fails to show sufficient cause why the development should not be prohibited, altered, abated, removed or demolished, the District Planning Authority may carry out the prohibition, abatement, alteration, removal or demolition and recover any expenses incurred from the owner of the land as if it were a debt due to the District Planning Authority. (3) Nothing in this section shall preclude a District Planning Authority from issuing an enforcement notice demanding the immediate stoppage of the execution of any work carried out contrary to this Act or to the terms of an approved development plan. (4) Any person who fails to comply with a notice issued under subsection (3) of this section commits an offence and is liable on conviction to a fine not exceeding ₵200,000.00 or to a term of imprisonment not exceeding six months or to both and in the case of a continuing offence, a further fine not exceeding ₵2,000.00 for each day that the contravention has been served on the offender.
12. (1) A District Planning Authority may, for the purpose of enforcing an approved development plan— **(a)** prohibit, abate, remove, pull down or alter so as to bring into conformity with the provisions of the approved plan, any physical development which does not conform to those provisions, or the abatement, removal, demolition or alteration of which is necessary for the implementation of an approved plan; **(b)** prohibit the use of any land or building for a purpose or in a manner contrary to any provisions of an approved plan; or **(c)** execute any work which is the duty of any person to execute under an approved plan, where delay in the execution of the work has occurred and the efficient operation of the approved plan has been or will be thereby prejudiced. (2) Before taking action under this section, the District Planning Authority shall serve notice in a form prescribed by regulations on the owner of the land in respect of which the action is proposed to be taken and on any other person who in its opinion may be affected by it, specifying the nature of and the grounds upon which it proposes to take the action.
13. (1) Where substantial injury to the environment, amenity public health or the economy is caused by any nuisance or is likely to result from the action or inaction of any person, a District Planning Authority may serve notice in a form prescribed in regulations on the person requiring him to abate the nuisance within such time as may be specified in the notice.
14. A notice served under sub-section (1) of this section shall specify the nuisance and the steps required to be taken to abate the nuisance. (3) Where a notice issued under this section is not complied with, a District Planning Authority may carry out the abatement and recover the costs from the person causing the nuisance or the owner of the land where the nuisance is occurring as if it were a debt due from the person to the District Planning Authority.
15. A District Planning Authority may without prior notice, effect or carry out instant prohibition, abatement, alteration, removal or demolition of any unauthorised development carried out or being carried out that encroaches or will encroach upon a community right of space, or interferes or will interfere with the use of such space.
16. (1) Subject to this Act a person— **(a)** whose property is adversely affected by the coming into operation or the execution of an approved development plan; or **(b)** who for the purpose of complying with an approved development plan incurs expenditure to his detriment— **(i)** by a subsequent revocation or modification of the plan; or **(ii)** by a subsequent revocation or variation of a development permit granted a District Planning Authority; or **(c)** who is aggrieved by any decision, action or policy relating to an approved development plan or the enforcement of it, may within six months after the date of the approval of the plan or of the revocation or variation of a permit or of the taking of the decision or action complained of, lodge a claim for redress or compensation with the District Planning Authority.
17. (1) Any person aggrieved by a decision or action of a District Planning Authority under this Part may within six months after receipt of the notice of the decision or action appeal to the Regional Minister who may refer the appeal to the Appeals Advisory Board established under section 58 of this Act.

- (2) Where the Regional Minister does not refer the appeal to the Appeals Advisory Board under sub-section (1) of this section, he may affirm, reverse or modify the decision or action of the District Planning Authority. (3) The decision of the Regional Minister under sub-section (2) of this section shall be final as to matters of fact and good planning.
18. (1) There shall be appointed by the Regional Minister such Appeals Advisory Boards as the Regional Minister may determine. Advisory (2) An Appeals Advisory Board appointed by the Regional Minister shall comprise the following - (a) a lawyer; (b) one person with expert knowledge of the subject matter of the appeal; and (c) one person with local knowledge of the subject matter of the appeal. (3) The membership of an Appeals Advisory Board shall terminate on the determination of any appeal referred to the Board for advice.
19. (1) The Appeals Advisory Board shall advise the Minister on the relief or redress sought in the appeal or on the amount of compensation payable in respect of any appeal referred to it by the Minister. (2) Recommendations for settlement of claims of compensation in respect of land and immovable property shall be made in consultation with the body for the time being charged with valuation of public land.
20. (1) Where the provision of a plan or the execution of public works, or a decision or action of a District Planning Authority increases the value of any land within the District Planning Authority shall on the advice of the body for the time being charged with valuation of public land, recover from any person whose land is increased in value, where that person sells or otherwise disposes of the land, a determinable percentage of the amount of the increase. (2) Financial gains on urban land transactions shall be liable to betterment charges. (3) Any sum recoverable under this section may be set off against a claim of compensation. (4) Recovered amounts under this section shall be utilised for the provision of infrastructure and utility services.
21. (1) An allocation of land shall be null and void if the purpose or use for which the allocation is made is contrary to the provisions of an approved development plan; and in particular, no landowner shall subdivide or allocate any land for use, development or occupation in a town or city or the suburb of it or in any area where there is an approved planning scheme prepared under an enactment in force, except with the concurrence of the District Planning Authority or a sub-district body acting on behalf of the District Planning Authority. (2) A person who allocates, transfers, sells or develops land for a use or a purpose that is contrary to an approved development plan, settlement structure plan, action plan or programme commits an offence and is liable on conviction to a fine not exceeding ₵200,000.00 or to imprisonment for a period not exceeding six months or to both. (3) On an application, an approved development plan may be revised in accordance with regulations to accommodate an otherwise non-conforming allocation proposal, if the District Planning Authority is satisfied that such accommodation or revision is in the public interest.
22. Subject to section 63 of this Act, a District Planning Authority may make building bye-laws within the scope of national building practices prescribed by law and shall in particular make provisions for— (a) the control of the construction of buildings, streets, boardings, fences and signboards; (b) the execution of work on and in relation to existing buildings, structures and streets; (c) drainage and sanitation; (d) the removal or abatement of obstructions and nuisance; and (e) matters referred for the guidance of District Planning Authorities in the Second Schedule to this Act. (2) The bye-laws may be made with respect to the district generally or with respect to particular areas, buildings or works in the district.
23. The Minister responsible for Works and Housing may in consultation with the Minister by legislative instrument prescribe national building regulations which shall be complied with by District Assemblies in making bye-laws for the districts.
24. (1) Every person shall, before constructing a building or other Building per-structure or undertaking any work, obtain a permit from the District Planning Authority which shall contain such conditions as the District buildingsT6 Planning Authority may consider necessary. (2) The District Planning Authority may give notice in writing in the form prescribed in the Third Schedule to an owner, occupier or developer of premises, if the owner, occupier or developer— (a) is constructing a building or other structure; (b) has constructed a building or other structure; or (c) is working or executing work without a permit or in contravention of any bye-laws made by the District Assembly. (3) The notice under sub-section (2) of this section shall require the owner, occupier or developer on or before a day to be specified in the notice by a statement in writing under his hand or under the hand of an agent duly authorised in that behalf and duly served on the District Planning Authority to show sufficient cause why the building, structure or work should not be removed, altered or pulled down.
25. If the owner, occupier or developer, fails to show sufficient cause why the building, structure or other work should not be removed, altered or pulled down, the District Planning Authority shall by notice order the owner, occupier or developer within a specified time to remove, alter or pull down the building, structure or other work at his own expense. (5) If the owner, occupier or developer fails to comply with the order of the District Planning Authority within the specified time, the District Planning Authority may carry out the removal, alteration or pulling down and recover the expense from the owner, occupier or developer, as if it were a debt due from the person to the District Assembly. (6) Without prejudice to subsections (2) and (3) of this section, a person who contravenes any bye-law made under section 61 of this Act or the terms of a permit granted commits an offence and is liable on conviction to a fine not exceeding ₵200,000.00 or to a term of imprisonment not exceeding six months or to both and in the case of a continuing offence to a further fine not exceeding ₵2,000.00 for each day that the contravention continues after

written notice has been served on the offender.

26. (1) A District Assembly may by bye-laws made under section 62 of this Act, specify the types of buildings or special areas of a district, the designed plans of which buildings shall be required to be prepared by or under a registered architect or engineer or an architectural draughtsman licensed under an enactment in force.
27. There shall be no restriction as to the person to design or sign the plan of single-storey traditional building characteristic of rural areas and parts of urban areas. (3) No person shall submit to the District Planning Authority the plan of any building which may be required to be submitted under subsection (1) of this section unless the plan has been prepared by or under the supervision of and is signed by a person registered as an architect or an engineer under an enactment for the time being in force.
28. A District Planning Authority may in writing delegate any of its functions under this part of this Act to a Sub-Metropolitan District Council, Zonal Council, Urban Council, Town or Area Council or Unit Committee.
29. (1) A District Planning Authority may in writing request any person to furnish it within such time as may be specified in the request such information as may be required for the discharge of its functions under this Act. (2) A person who without lawful excuse fails to comply with a request for information or furnishes information which he knows to be false commits an offence and is liable on conviction to a fine not exceeding 100,000.00 cedis or to imprisonment for a period not exceeding three months or both.

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